

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

FLEXUSPINE, INC.

Plaintiff,

v.

GLOBUS MEDICAL, INC.,

Defendant.

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CIVIL ACTION NO.  
6:15-cv-00201-JRG-KNM

**JURY TRIAL DEMANDED**

**VERDICT FORM**

In answering these questions, you are to follow all of the instructions I have given you in the Court's Final Instructions to the Jury. Your answers to each question must be unanimous.

As used herein, "Flexuspine" means Flexuspine, Inc. and "Globus" means "Globus Medical, Inc.

As used herein, the '853 Patent means U.S. Patent No. 7,204,853 and the '714 Patent means U.S. Patent No. 7,316,714.

**QUESTION 1:**

Did Flexuspine prove by a preponderance of the evidence that Globus infringes the following claims of the following patents?

**Answer "Yes" or "No" for each Claim.**

**'853 Patent**

Claim 1:

No

**'714 Patent**

Claim 1:

No

Claim 2:

No

ANSWER THIS NEXT QUESTION ONLY AS TO THOSE CLAIMS YOU ANSWERED  
“YES” TO IN QUESTION 1 ABOVE—OTHERWISE DO NOT ANSWER THIS QUESTION.

**QUESTION 2:**

Did Globus prove by clear and convincing evidence that any of the asserted claims of  
the following patents are invalid?

**If you find the claims invalid, answer “Yes,” otherwise, answer “No.”**

**'853 Patent**

Claim 1: \_\_\_\_\_

**'714 Patent**

Claim 1: \_\_\_\_\_

Claim 2: \_\_\_\_\_

ANSWER QUESTION 3 ONLY IF YOU HAVE FOUND ONE OR MORE OF THE ASSERTED CLAIMS OF THE '853 or '714 PATENTS TO BE INFRINGED AND NOT INVALID.

**QUESTION 3:**

- A. What sum of money do you find by a preponderance of the evidence, if now paid in cash, would reasonably compensate Flexuspine for any infringement by Globus?

**Answer in Dollars and Cents:**

\$ \_\_\_\_\_

- B. Was this monetary award a running royalty or a lump sum?

**Check the answer that applies, but only check one answer.**

Running Royalty: \_\_\_\_\_

Lump Sum: \_\_\_\_\_

Signed this 19 day of August, 2016:

JURY FOREPERSON

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